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FACSIMILE COVER LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Commissioner of Patents – Examiner CHUNDURU Art Group 1637

FROM: Ade & Company – Michael Williams

TOTAL NUMBER OF PAGES 6 INCLUDING THIS COVER LETTER.

DATE: November 20, 2002

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**RE: United States Patent Application no: 09/720,206
Nonsymbiotic plant hemoglobins to maintain cell energy status .
Guy et al.
EXAMINER – Suryaprabha Chunduru GROUP 1637**

Response to Notice of Action dated August 21, 2002

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OPERATOR: Michael Williams

EXAMINER Suryaprabha Chunduru
GROUP 1656
APPLICANT Guy et al.
SERIAL NO: 09/720,206
FILED May 3, 2001
FOR NONSYMBIOTIC PLANT HEMOGLOBINS TO MAINTAIN
 CELL ENERGY STATUS

Commissioner of Patents
Washington, D.C., 20231
U.S.A.

Dear Sir:

Responsive to the office action dated August 21, 2002:

In the Claims:

Claims 28-38 are of record in this case.

Claims 28-38 stand rejected.

REMARKS:

A new declaration in compliance with 37 CFR 1.67(a) is being executed by the inventors and will be submitted along with the required fee shortly. We apologize for any inconvenience caused the examiner for the delay in supplying this document.

Claims 28-38 were rejected under 35 USC 103(a) as unpatentable in view of Andersson (PNAS 93: 5682-5687) and Bailey (WO 98/12913). Specifically, the Examiner has taken the position that Andersson discloses that nonsymbiotic hemoglobin levels were higher in root elongation, cotyledons and stem and that